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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SEVEN

In re JOSE M., a Person Coming Under the
Juvenile Court Law.

B175693
(Los Angeles County
Super. Ct. No. YJ24794)

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE M.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County,
Irma J. Brown, Judge. Affirmed as modified.

Ronnie Duberstein, under appointment by the Court of Appeal, for Defendant and
Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney
General, Pamela C. Hamanaka, Senior Assistant Attorney General, Lance E. Winters and
Laura J. Hartquist, Deputy Attorneys General, for Plaintiff and Respondent.

Jose M. appeals from the juvenile court's order of wardship after finding he committed battery with serious bodily injury. (Welf. & Inst. Code, § 602; Pen. Code, § 243, subd. (d).) He was ordered home on probation. We agree with Jose M. and the People the minute order entered following the disposition hearing must be corrected to conform to the court's oral pronouncement of probation conditions. As modified the juvenile court's order is affirmed.

FACTUAL AND PROCEDURAL BACKGROUND

At a bus stop, Jose M. (the minor) pushed Nelson Hollingsworth, causing him to fall and break his hip, resulting in permanent nerve damage and loss of mobility in his leg. The District Attorney filed a petition pursuant to Welfare and Institutions Code section 602 alleging the minor had committed the offense of battery with serious bodily injury, a felony, in violation of Penal Code section 243, subdivision (d). Following the adjudication hearing, the juvenile court sustained the petition. The minor was declared a ward of the juvenile court and ordered home on probation, subject to certain terms and conditions.

DISCUSSION

In placing Jose M. home on probation, the juvenile court orally imposed a number of specific conditions of probation. Not included among them is condition 15, which would prohibit the minor from associating with anyone disapproved of by his probation officer. However, in a preprinted portion of the May 7, 2004 minute order, condition 15 is checked as being required of the minor on probation.

An oral pronouncement of judgment controls over the clerk's minute order. Any discrepancy between the two is presumed to be clerical error in the minute order,¹ which can be corrected at any time to reflect the court's oral pronouncement.² Accordingly, as requested by both Jose M. and the People, we order the minute order of the May 7, 2004 disposition hearing corrected to delete condition 15.

DISPOSITION

The juvenile court's minute order of May 7, 2004 is corrected to conform to its oral pronouncement by deleting probation condition 15. As modified the order is affirmed.

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JOHNSON, J.

We concur:

PERLUSS, P. J.

WOODS, J.

¹ *People v. Farell* (2002) 28 Cal.4th 381, 384, footnote 2; *People v. Mesa* (1975) 14 Cal.3d 466, 471.

² See *People v. Mitchell* (2001) 26 Cal.4th 181, 183, 185-188.